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**MAILED**

**NOV 16 2009**

**OFFICE OF PETITIONS**

In re Patent No. 6,892,669 :  
Issue Date: May 17, 2005 :  
Application No. 09/863,338 :  
Filed: May 24, 2001 :  
Attorney Docket No. 001425-108 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.378(c), filed September 15, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on May 18, 2009 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

The patent file is being forwarded to Files Repository.



Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **William C. Rowland, Esq.**  
**1737 King Street, Suite 500**  
**Alexandria, VA 22314**



2009 SEP 17 PM 4:10

Approved for use through 08/31/2012. OMB 0651-0016

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HJW

PTO/SB/66 (03-09)

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)  
1001425-000108

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SEP 22 2009

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6892669

Application Number 09863338

Issue Date 05/17/2005

Filing Date 05/24/2001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

Is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
  
 original application number \_\_\_\_\_  
  
 original filing date \_\_\_\_\_  
  
 resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_  
  
 filed on \_\_\_\_\_

09/18/2009 DALLEN 00000008 024800 6892669

CERTIFICATE OF MAILING (37 CFR 1.89(g)(5)(ii))

I hereby certify that this paper ("along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

Adjustment date: 11/17/2009 LDIEP1  
09/18/2009 DALLEN 00000008 024800 6892669  
01 FC:1599 2620.00 DA

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450  
11/17/2009 LDIEP1 00000001 024800 6892669

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2. 980.00 DA  
02 FC:1558 1640.00 DA

## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

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## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

SEP 22 2009

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

**OFFICE OF PETITIONS**

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980.00	3 1/4 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/4 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/4 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/4 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/4 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/4 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 980.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1640.00

## 5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ \_\_\_\_\_

Please charge Deposit Account No. 024800 the sum of \$ 2,620.00

Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 024800

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**7. OVERPAYMENT**

As to any overpayment made please

OR

 Credit to Deposit Account No. 24800 Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

**8. STATEMENT**

The delay in payment of the maintenance fee to this patent was unintentional.

**9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED**Signature(s) of Petitioner(s)September 15, 2009

Date

William C. Rowland, Esq..30,888Typed or printed name(s)Registration Number, if applicable703-836-6620Telephone Number1737 King Street, Suite 500AddressAlexandria, VA 22314Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

**ENCLOSURES**

- Maintenance Fee Payment
- Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- \_\_\_\_\_